

## Message Text

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43

ORIGIN AF-08

INFO OCT-01 L-03 OES-06 SS-15 ISO-00 SSO-00 CCO-00 SP-02

/035 R

DRAFTED BY AF/S:FCRUMP/OES:DCOOPER:SBA

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L:MLEIGH

OES:AMBASSADOR IRVING

AF/S:FGWISNER

S/S - MR. BRIDGES

S - MR. PASSAGE

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R 241851Z JUL 76 ZFF4

FM SECSTATE WASHDC

TO USDEL SECRETARY

C O N F I D E N T I A L STATE 184180 TOSEC 190126

E.O. 11652: GDS

TAGS: EMIN

SUBJECT: BRIEFING MEMO: EXPORT OF HIGHLY ENRICHED  
URANIUM TO SOUTH AFRICA

1. THE NUCLEAR REGULATORY COMMISSION IS ABOUT TO TAKE UP  
A LICENSE APPLICATION INVOLVING THE EXPORT TO SOUTH  
AFRICA OF FUEL FOR A SMALL RESEARCH REACTOR WHICH WE SOLD  
THEM IN THE MID-1960'S AND FOR WHICH WE HAVE CONTINUOUSLY  
SUPPLIED FUEL. THE SHIPMENT INVOLVES 12 KILOGRAMS OF  
HIGHLY ENRICHED URANIUM CONTRACTED TO BE SOLD BY PRIVATE  
U.S. FABRICATOR TO SOUTH AFRICA. MEMBERS OF THE  
CONGRESSIONAL BLACK CAUCUS AND A NUMBER OF ANTI-APARTHEID  
GROUPS HAVE JOINED IN A PETITION TO THE NRC REQUESTING  
PERMISSION TO INTERVENE IN THE CASE. THEY ARGUE THAT THE  
NRC COULD NOT LAWFULLY ISSUE A LICENSE IN THIS CASE, INTER  
ALIA, BECAUSE SOUTH AFRICA IS NOT A PARTY TO THE NPT, HAS  
A NUCLEAR WEAPONS CAPABILITY, HAS UNSAFEGUARDED NUCLEAR  
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FACILITIES, AND HAS SERIOUS INTERNAL CONFLICTS.

2. THE NRC MUST DETERMINE WHETHER AS A MATTER OF LAW THESE PETITIONERS HAVE "STANDING" TO INTERVENE IN THIS CASE. IF THE DECISION IS POSITIVE, A HEARING MUST BE HELD. EVEN IF THE PETITIONERS ARE HELD NOT TO HAVE "STANDING", THE COMMISSION MAY PERMIT HEARINGS AS A MATTER

OF DISCRETION. IN THE INDIAN CASE, THE COMMISSION ADOPTED THIS COURSE AND DECIDED LEGISLATIVE-TYPE HEARINGS WERE APPROPRIATE.

3. THE STATE DEPARTMENT HAS BEEN ASKED, ACCORDING TO PROCEDURES ESTABLISHED UNDER A RECENT EXECUTIVE ORDER, FOR EXECUTIVE BRANCH VIEWS ON WHETHER A LICENSE SHOULD BE ISSUED, INCLUDING ITS VIEWS AS TO WHETHER ISSUANCE OF THE LICENSE WILL OR WILL NOT BE INIMICAL TO OR CONSTITUTE AN UNREASONABLE RISK TO COMMON DEFENSE AND SECURITY. VIEWS ARE BEING COORDINATED AND AN OPTIONS PAPER ON THIS ISSUE IS IN PREPARATION FOR YOUR CONSIDERATION. WE ANTICIPATE THAT OUR RECOMMENDATION TO YOU WILL BE IN FAVOR OF ISSUANCE OF THE EXPORT LICENSE. KEY CONSIDERATIONS ARE SAFEGUARDS AND IMPORTANCE OF MAINTAINING U.S. REPUTATION AS A RELIABLE SUPPLIER OF NUCLEAR MATERIALS IN ORDER TO DISCOURAGE COUNTRIES FROM TURNING TO SUPPLIERS LESS CONCERNED ABOUT NON-PROLIFERATION. ROBINSON

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**Disposition Case Number:** n/a  
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